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SEALED

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2017 DEC 13 AM 10:35

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[Signature]

UNITED STATES OF AMERICA *ex rel.*

Patsy Gallian & Monique Jones; the
STATES OF ALABAMA,
CALIFORNIA, COLORADO,
CONNECTICUT, DELAWARE,
FLORIDA, GEORGIA, HAWAII,
ILLINOIS, INDIANA, IOWA,
LOUISIANA, KANSAS, MARYLAND,
MICHIGAN, MINNESOTA,
MONTANA, NEVADA, NEW
HAMPSHIRE, NEW JERSEY, NEW
MEXICO, NEW YORK, NORTH
CAROLINA, OKLAHOMA, RHODE
ISLAND, TENNESSEE, TEXAS,
VERMONT, and WASHINGTON *ex rel.*
Patsy Gallian & Monique Jones; the
COMMONWEALTHS OF KENTUCKY,
MASSACHUSETTS, PENNSYLVANIA,
and VIRGINIA *ex rel.* Patsy Gallian &
Monique Jones; and the DISTRICT OF
COLUMBIA *ex rel.* Patsy Gallian &
Monique Jones; and PATSY GALLIAN &
MONIQUE JONES Individually,

Plaintiffs,

v.

DAVITA RX LLC, a wholly owned
subsidiary, DAVITA HEALTHCARE
PARTNERS INC., JANE DOE and JOHN
DOES,

Defendants.

Civil Action No. 3:16-CV-943-B

FILED IN SEALED CASE

JOINT STIPULATION OF DISMISSAL BETWEEN RELATORS AND STATES

The States and Commonwealths of California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawai'i, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Vermont, Virginia, and Washington (collectively referred to as "States" for convenience) and the District of Columbia, along with Relators Patsy Gallian and Monique Jones ("Relators"), stipulate to the following regarding the dismissal of the claims brought by the States:

1. This matter has been settled between the United States, the defendant, and the States of California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Tennessee, Texas, Virginia, Washington, and the District of Columbia.

2. The States of California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Tennessee, Texas, Virginia, Washington, and the District of Columbia, along with Relators Patsy Gallian and Monique Jones, by and through their respective undersigned attorneys, hereby jointly stipulate and agree, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. §§ 3729, et seq. and the respective State Statutes, and in accordance with the terms and conditions of the fully executed Settlement Agreements between the parties, to the entry of an order: (1) dismissing all claims with prejudice as to the Relators, and (2) dismissing the Action with prejudice as to the States

of California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Tennessee, Texas, Virginia, Washington, and the District of Columbia.

3. The named States of Delaware, Hawai'i, Montana, New Hampshire, Rhode Island, and Vermont had no damages identified for them, or declined to participate in the settlement; therefore, Delaware, Hawai'i, Montana, New Hampshire, Rhode Island, and Vermont and the Relators stipulate that all claims brought by Relators in the name of Delaware, Hawai'i, Montana, New Hampshire, Rhode Island, and Vermont be dismissed without prejudice as to these States, but with prejudice as to the Relators.

4. The States of Alabama, Kansas, Kentucky, and Pennsylvania, who were named in the First Amended Complaint, do not have *qui tam* statutes that permit the Relators to maintain claims on their behalf; accordingly, the Relators stipulate that all claims naming Alabama, Kansas, Kentucky and Pennsylvania should be dismissed without prejudice as to these States, but with prejudice as to the Relators.

5. Relators, on behalf of themselves, their heirs, successors, attorneys, agents, and assigns, stipulate and agree that the Settlement Agreement referenced above and the terms and conditions described therein are fair, adequate, and reasonable under all of the circumstances of this case, that they will not challenge the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B) or the respective State statutes, and that they expressly waive the opportunity for a hearing on any objection to the settlement under 31 U.S.C. § 3730(c)(2)(B) or applicable State statutes.

6. The States of California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Tennessee, Texas, Virginia, Washington, and the District of Columbia consent to the dismissal of the Action with prejudice to the Relators and with prejudice to the States of California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Tennessee, Texas, Virginia, Washington, and the District of Columbia.

7. The States of Delaware, Hawai'i, Montana, New Hampshire, Rhode Island, and Vermont consent to the dismissal of the Action with prejudice as to the Relators and without prejudice to the States of Delaware, Hawai'i, Montana, New Hampshire, Rhode Island, and Vermont.

8. The undersigned is further authorized by the States of Alabama, Kansas, Kentucky, and Pennsylvania to represent to the Court that they each consent to the dismissal of all claims brought by Relators in this action in their names with prejudice as to Relators and without prejudice as to these States, although the States of Alabama, Kansas, Kentucky, and Pennsylvania by such consent do not concede that such claims were properly brought or that jurisdiction to hear such claims exists in this case.

9. The parties respectfully request that the Court enter an order in the form of the proposed Order accompanying this notice.

Respectfully submitted,



Mark Coffee

Tx Bar No. 04483500

Assistant Attorney General

Civil Medicaid Fraud Division

Office of the Attorney General of Texas

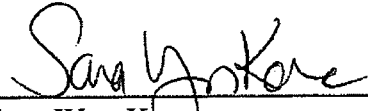
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On behalf of the States and Commonwealths of:
California, Colorado, Connecticut, Delaware,
Florida, Georgia, Hawai'i, Illinois, Indiana,
Iowa, Louisiana, Maryland, Massachusetts,
Michigan, Minnesota, Montana, Nevada, New
Hampshire, New Jersey, New Mexico, New
York, North Carolina, Oklahoma, Rhode Island,
Tennessee, Texas, Vermont, Virginia, and
Washington and the District of Columbia

A handwritten signature in cursive script, reading "Sara Wyn Kane", positioned above a horizontal line.

Sara Wyn Kane
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Attorneys for Relators

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2017, a copy of the foregoing pleading and proposed Order were mailed by first class mail to:

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